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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,484	12/24/2001	Kun-Tsan Wu		9337

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WEI TE CHUNG
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EXAMINER

CALEY, MICHAEL H

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,484

Applicant(s)

WU ET AL.

Examiner

Michael H. Caley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 24 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Levesque et al.

(U.S. Patent No. 6,278,830 “Levesque”).

Regarding claim 1, Levesque discloses an optical fiber cable holder fixed on a base plate having:

a clasping portion to hold cables (Figure 1 element 10), the clasping portion having at least one bent arm (Figure 1 element 22) to prevent excessive bending of the cables; and

a fixing portion (Figure 2 elements 28 and 30) fixing the optical fiber cable holder on the base plate (Figure 2 element 12).

Regarding claim 2, Levesque discloses a top cover (Figure 1 element 20) and two side walls (Figure 1 elements 16 and 18).

Regarding claim 3, Levesque discloses a bent arm extending from the top cover as embodied as an arcuate pillar (Column 2 lines 25-28).

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Regarding claim 4, Levesque discloses a spring arm to hold the cables in the clasping portion (Figure 1 element 22; Column 2 lines 28-31).

Regarding claim 5, Levesque discloses at least one spring arm as formed on at least one of the side walls (Figure 1 element 22; Column 2 lines 28-31).

Regarding claim 6, Levesque discloses the fixing portion as further including at least one locking leg (Figure 2 element 28) and at least one stop latch (Figure 2 element 30).

Regarding claim 7, Levesque discloses the locking leg of the fixing portion as engagingly received through at least one corresponding hole defined in the base plate (Column 2 lines 39-44).

Regarding claim 8, Levesque discloses the stop latch of the fixing portion as supported on the base plate to fix the optical fiber cable holder on the base plate (Figure 2).

Regarding claim 9, Levesque discloses the locking leg as extending from at least one of opposite side walls of the clasping portion (Figure 2 element 16 and 28).

Regarding claim 10, Levesque discloses the optical fiber cable holder as made from a single piece of metallic material or a single piece of injection molded plastic material (Column 3 lines 7-12).

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (U.S. Patent No. 4,986,625 "Yamada").

Yamada discloses an optical retainer having:

a base plate (Figure 2 element 10a) having two spaced holes (Figure 2 element 15);

a one piece holder mounted on the base plate (Figure 2 element 20) including:

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a U-shaped clasping portion including a top cover with a pair of side walls extending downwardly by two sides thereof, said top cover together with said pair of side walls defining a receiving space above said base plate (Figure 2 elements 21 and 22);

a lower locking leg and an upper stop latch (Figure 2 element 23) formed on each of said side walls and commonly defining therebetween a gap to receive said baseplate therein (Figure 2 element 10a); wherein

a planar dimension of the locking leg is not substantially larger than a dimension of the corresponding hole through which the locking leg extends.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daoud (U.S. Patent No. 6,259,851 "Daoud '851") in view of Daoud (U.S. Patent No. 6,456,722 "Daoud '722").

Regarding claim 11, Daoud '851 discloses a fiber holder having:

a clasping portion to hold fibers having a top cover (Figure 3, top of an element 6) and two side walls (Figure 3 element 6, right edge of rightmost element and left edge of leftmost part; and

at least one bent arm extending from the clasping portion to prevent excessive bending of fibers (Figure 3 element 6, right and left extensions of top);

Daoud '851 fails to disclose a fixing portion and base plate. Daoud '722, however, teaches a fixing portion connecting with the side walls of the clasp portion and fixing the optical cable holder to the baseplate (Figure 3C elements 4, 12, and 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a fixing portion and base plate to the fiber holder disclosed by Daoud '851. Such an improvement would have enabled the fiber holder to be removably attached to a tray for proper handling of the fibers. Attachment of the fiber holder to a tray would have been motivated by a desire to make the fiber holder more easily handled, reducing the risks of damage to the optical fibers.

Regarding claim 12, Daoud '851 discloses at least one bent arm as extending from the top cover of the clasp portion (Figure 3 element 6).

Regarding claim 13, Daoud '851 discloses the clasp portion as further including at least one spring arm to hold the fibers in the clasp portion (Column 3 lines 23-35).

Regarding claim 14, Daoud '851 discloses at least one spring arm as extending from at least one of the side walls. (Figure 3).

Regarding claims 15-18, Daoud '851 fails to disclose a fixing portion further including a locking leg and a stop latch configured as proposed. Daoud '722, however, teaches a fixing portion as including a locking leg (Figure 3C element 12) and a stop latch (Figure 3C element 8) in which the locking leg is engagingly received through a hole (element 23) in the base plate, the stop latch is supported by the base plate, and the locking leg extends from the clasp portion side wall (Figure 3C).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed a fixing mechanism as taught by Daoud '722 for the fiber holder disclosed by Daoud '851. Construction of such a fixing mechanism would have been motivated by a desire to improve the handling properties of the fiber holder by attaching it to a base plate. Such an improvement would reduce the risk of damage to the optical fibers held in the fiber holder since more proper handling of the device may be conducted with a tray or base plate.

Regarding claim 19, Daoud '851 discloses the optical fiber cable holder as made from a single piece of metallic material or a single piece of injection molded plastic material (Column 3 lines 22-35).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,535,683 to Johnson et al. as an alternative fiber cable holding means.

U.S. Patent No. 6,298,191 to Daoud as an alternative fiber cable holding means.

U.S. Patent No. 6,324,331 to DeMeritt et al. as an alternative fiber cable holding means.

Patent Application Publication US 2003/0039460 by Muller et al. as a fiber sleeve guide.

Patent Application Publication US 2002/0131750 by Holman et al. as an alternative cable routing clip

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael H. Caley whose telephone number is (703) 305-7913. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

mhc
March 19, 2003


ROBERT H. KIM
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2800